

Reporting Serious Incidents to Frontex (*)

Whom to address it to?
Frontex Situation Centre Senior Duty Officer with cc to Frontex Fundamental Rights Officer

1. Reporting person / organization

Organization name:	UNHCR
Reporting/contact person:	[TEXT REMOVED] Senior Liaison Officer to FRONTEX [TEXT REMOVED]

Commented [A1]: The non-disclosed text contains personal data, in particular the name and contact details of an individual. Its disclosure would affect the privacy and integrity of the individual, therefore, its disclosure is precluded pursuant to the exception laid down in Article 4(1)(b) of Regulation (EC) No 1049/2001.

2. General information on the incident

Subject:	Reported physical violence by the Hungarian Police perpetrated on Serbian territory against a group of Afghans, including unaccompanied children.
Frontex Activity/ Joint Operation:	JO Flexible operational Activities on border surveillance; JO Focal Points 2016 Land and JO Flexible Operational Activities 2016 Land and Border Checks.
Location of the Incident:	Wooded area approximately half an hour walk from the waiting area in front of the Horgos transit zone, Serbia.
Incident date/time:	16 December 2016
Info Finding date/time:	17 December 2016
Information source:	Testimony of the persons affected provided to UNHCR

3. Facts of the case

UNHCR has received a testimony from an Afghan national, below the age of 18, who reported that a group of 10 unaccompanied children (aged from 10 to 17 years) and 2 adults (25 and 31 years old), all Afghan nationals, had been sitting in the woods near the waiting area in front of the Horgos/Roske transit zone around 08:00 PM on December 16. They explained that they had been sitting somewhere near the gate, approximately 1 km from the current waiting area, preparing to enter Hungary irregularly. According to the testimony, a group of Hungarian police officers (13-14 persons) in blue uniforms noticed them in the woods and opened the gate to release one of their two dogs on them. The dog started biting them, and three of them were bitten. Then, all of the policemen entered Serbian territory through the gate and started pepper-spraying the group and beating them with night sticks/batons.

(*) This document is aimed at summarising the necessary information for UNHCR to report alleged violations of fundamental rights or international protection obligations during Frontex activities. Frontex will ensure the confidentiality of the information provided.

At that time, four members of the group were beaten. All of them managed to escape and to hide in the nearby woods. According to their story, Hungarian police officers threw flares in their direction to see them. Approximately one hour later, the group started to leave the forest, but the police officers were still there with the dogs. The police officers again let the dogs chase them, and they caught them all near some road with street lights, on Serbian territory. The members of the group ran in different directions, but four of the group members were caught by the policemen. Reportedly, police officers pepper-sprayed them in their faces/mouths, and they fainted, including the person who reported the events to UNHCR. After he had fainted, the first thing he remembers is that someone from the group was pulling him to the forest.

On 17 December, 10 members of the group (including two adults and eight unaccompanied children) arrived at the Horgos transit zone and were examined by a team of doctors who certified the injuries. All of the persons in the group met UNHCR and stated that they are registered on the admission lists for Hungary, either in Tutin Accommodation Centre or Krnjaca Accommodation Centre.

4. Measures

UNHCR continues to collect information on the incident, which has also been brought to the attention of the Hungarian and Serbian Authorities.

5. Comments

It is clear that Member States remain primarily responsible for the implementation of the relevant international, EU and national legislation as well as for law enforcement actions undertaken in their territory, including those undertaken in the context of Frontex coordinated joint operations.

With this in mind, UNHCR would appreciate any support that Frontex can provide through its mandate and operational activities in the area to the investigation of these incidents. Likewise, we look forward to Frontex support to the setting up of effective mechanisms to ensure a thorough investigation is undertaken in cases involving violence and ill-treatment at the border.

UNHCR would also encourage Frontex to consider this report in the implementation and evaluation of its operational activities in the area and remains available to discuss any details regarding the reception of these testimonies by our office as well as the context of events, should this be of assistance in addressing our concerns.